

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 86 OF 2006  
IN  
CONTEMPT PETITION NO. 49 OF 2006  
IN  
WRIT PETITION NO. 2833 OF 2005

CHANDU TULSIDAS PAHUJA ... PETITIONER.

VS.

MUNICIPAL CORPORATION OF  
GREATER MUMBAI & ORS. ... RESPONDENTS.

MR. SAMEER VAIDYA I/B. A.N.SAKPAL FOR THE PETITIONER.  
MS. A.R.JOSHI FOR THE RESPONDENTS.

Coram : S.K.Shah, J.  
Date : October 20, 2006.

P.C.

1. This Contempt Petition is taken out for non compliance of the Order passed in contempt petition No. 49 of 2006, dated 25th August, 2006.

2. The Original Order passed in the writ petition was dated 16th February, 2006, which mentions that the statement made on behalf of the respondents that the officers of B.M.C. will see to it that the plan is traced out either from Building Department or from the Hydraulic Engineers Department. Further the statement was that on finding the plan, necessary action will be taken against all the persons who have made addition/alteration in their premises, contrary to the original building plan and in view of these statements, the petition was disposed of. It was further stated before the Court that the concerned Ward Officer will write to the petitioner as well as to the Secretary of the 3rd respondent- Society as to what steps are taken on the basis of this Order, within a period of three weeks. Since no steps were taken and ward officer did not communicate to the petitioner as to what steps and action was taken, this contempt petition came to be filed.

2. Earlier reply mentions that the plans were traced out recently and initiation of the action had also commenced. The only thing that remained that they have not communicated the petitioner about the same.

3. The grievance now made is that the Petitioners are not informed nor any action has been taken.

4. Affidavit in reply has now been filed, which clearly mentions that the action has been taken by issuing notices under the provisions of MRTPA Act, against 21 members of the Society (shops and residence) and further action is in process. Affidavit also further mentions that this action has already been informed to the Petitioner. The learned Counsel for the Respondents had also handed over the copies of the notices issued to the 21 members of the Society (shops

and residence) under the MRTTP Act, to the learned Counsel for the Petitioner.

. Under the circumstances, there is no question of any contempt having been committed of the Order dated 25th August, 2006. The contempt petition, accordingly stands disposed of.

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[S.K.Shah , J.]